

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No. 5:22-cv-00050-M

MADISON CAWTHORN, an individual,)
Plaintiff,)
v.)
DAMON CIRCOSTA, in his official capacity)
as Chair of the North Carolina State Board of)
Elections,, et al.,)
Defendants.)
)

) STATE BOARD DEFENDANTS'
NOTICE OF ACTION
AND
RESPONSE TO
JUNE 15, 2022 ORDER

NOW COME Defendants Damon Circosta, Stella Anderson, Jeff Carmon, III, Stacy Eggers, IV, Tommy Tucker, and Karen Brinson Bell (“Defendants” or “State Board Defendants”), through undersigned counsel, to hereby give notice to the Court of action by the State Board of Elections which is relevant to this litigation and to submit, pursuant to the Court’s order entered June 15, 2022, their position that the present action should be dismissed as moot.

As acknowledged by the Court in its June 15, 2022 order, North Carolina held its primary election on May 17, 2022, and as a result of that election, Plaintiff is no longer a candidate for election to the United States House of Representative. D.E. 114 p. 2; *see also* the North Carolina State Board of Elections Letter attached as **Exhibit A**. The North Carolina State Board of Elections subsequently certified the results of the May 17, 2022 primary on June 9, 2022. [*Id.*].

On June 15, 2022, the North Carolina State Board of Elections notified counsel for the five North Carolina voters who filed challenges in March 2022 to the candidacy of Madison Cawthorn for North Carolina’s 11th Congressional District that the challenges filed will not proceed. **Ex. A.** The State Board relayed that the challenged candidate did not prevail in the primary contest for

the 11th Congressional District, he is no longer a candidate in the election, and as a result, the challenges filed against Mr. Cawthorn are rendered moot.

In its June 15, 2022 order, this Court directed that the parties file briefs and show cause as to why the present case should not be dismissed as moot. [D.E. 114 p. 2]. It is the position of State Board Defendants that, in light of the certified results of the May 17, 2022 primary election, and the State Board's dismissal of the challenges to Plaintiff's candidacy, the present action is moot and should be dismissed as moot.

Respectfully submitted this the 16th day of June, 2022.

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